

Proposed Administrative Rules

New language is underlined.

Deleted language is in ~~strikethrough~~.

DIVISION 4
WATERSHED ENHANCEMENT PROGRAM

695-004-0010

Purpose

The Oregon Watershed Enhancement Board has broad authority to carry out a watershed enhancement program under the provisions of ORS 541.351 to 541.415. The Board may allocate funds to projects for restoration, monitoring, technical assistance, small grants, education and outreach, watershed council support, land acquisition, instream water leases and transfers, research and other related activities that advance the purposes of the watershed enhancement program.

695-004-0020

Definitions

(1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.360.

(2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(3) "OWEB" means the Oregon Watershed Enhancement Board state agency.

695-004-0030

Process and Criteria

The Board shall approve standards and guidance for application requirements and processing, evaluation criteria, agreement conditions, and distribution of funds.

(1) Guidance and criteria for accepting and reviewing applications for watershed enhancement projects proposed under the regular grant program are contained in OAR Chapter 695, divisions 5 through 50.

(2) For watershed enhancement project requests for initiatives or programs that are separate or distinct from the programs referenced in subsection (1), the Board shall approve additional necessary guidance and criteria.

(3) Board allocations under subsections (1) and (2) may be distributed through grant agreements, interagency agreements, and contracts for services.

(4) The Director shall enter into the grant agreements, interagency agreements, or contracts necessary to carry out the standards approved by the Board.

DIVISION 5
OWEB GRANT PROGRAM

695-005-0010

Purpose

NO CHANGE

695-005-0020

Definitions

(1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.360.

(2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(3) "Grant Agreement" is the legally binding contract between the Board and the grant recipient. It consists of the conditions specified in these rules, the notice of grant award, special conditions to the agreement, a certification to comply with applicable state and federal regulations, the project budget and the approved application for funding the project.

(4) "Regional Review Team" is a team, appointed by the Director, of designated personnel with regional knowledge and interdisciplinary expertise drawn from agencies represented on the Board and other entities to evaluate regional grant applications. The Director may change the composition of regional review teams.

(5) "Partners" are non-governmental or governmental persons or entities that have committed funding, expertise, materials, labor, or other assistance to a proposed project.

(6) "Match" is any contribution to a project that is non-Board funds. Match may include:

(a) Cash on hand or cash that is pledged to be on hand prior to commencement of the project;

(b) Secured funding commitments from other sources;

(c) Pending commitments of funding from other sources. In such instances, Board funding will not be released prior to secured commitment of the other funds. Pending commitments of the funding must be secured within 12 months from the date of the award; or

(d) The value of in-kind labor, equipment rental and materials essential to the project, based on local market rates.

(7) "OWEB" means the Oregon Watershed Enhancement Board state agency.

695-005-0030

Application Requirements

(1) Applications must be submitted on the most current form prescribed by the Board. Current applications are available on the OWEBBoard's website. An explanation must accompany the application if any of the information required on the application cannot be provided. In addition to the information required in the application, and the required attachments, an applicant may submit additional information that will aid the Board in evaluating the project.

(2) All applicants for Board grants shall supply the following information:

(a) Names, physical and email addresses, fax and telephone numbers of the applicant contact person(s) and the fiscal officer(s);

(b) Name and address of involved landowner(s);

(c) The name and location of the proposed project. The location shall be described in reference to the public land survey, latitude and longitude using decimal degrees, North American Datum 1983, county, watershed, and stream mile, if appropriate;

(d) ~~Estimated line item budget for the project including the sources and amounts of funding, and the amount of funding requested from using the most current budget form prescribed by the Board.~~ Current budget forms are available on the OWEB website;

(e) Identification of specific project elements for which Board funds will be used;

(f) A list of any non-Board funds, services or materials available or secured for the project and any conditions which may affect the completion of the project;

(g) If the project is part of a multi-year project, and a new funding request continues a previously Board-funded activity, a description of the previous project accomplishments and results as well as an accounting of past expenditures and revenues for the project;

(h) Identification of volunteers and partners and the contribution they will make to the project;

(i) A project schedule including times of project beginning and completion; and

(j) Any information requested that is necessary to evaluate the project based on the evaluation criteria for that project type.

(3) All applicants shall demonstrate at least 25% match is being sought, on a form prescribed by the Board, based on the total Board grant request, at the time of application.

(4) All applications that involve physical changes or monitoring on private land must include ~~a signature of approval of the landowner signifying their approval~~ certification from the applicant that all landowners involved are aware of the application and the understanding that all monitoring information obtained on their property is public record. If the contact with all landowner's signature was not obtainable possible at the time of application, explain why. The landowner's signature will be required prior to release of the grant agreement if the application is approved for funding.

(5) Fiscal administration costs, which may include accounting, auditing, contract management and fiscal reporting expenses for the project, for a grant awarded by the Board may not exceed 10% of the total Board funds expended for the project.

(6) Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process but additional, new information will not be accepted after the application deadline.

(7) Applicants are encouraged to submit requests for up to \$10,000 for watershed restoration projects to the Small Grant Team in their Small Grant Area, unless the project is not eligible for funding under the Small Grant Program or the Small Grant Program has no funds available at the time of application. Applicants may not submit the same proposal to both the Board and the Small Grant Team.

695-005-0040

Application Processing

NO CHANGE

695-005-0050

Grant Agreement Conditions

(1) The Board will only enter into new agreements or amendments to existing agreements for time extensions and award amounts, exclusive of Small Grant agreements, with prior Grantees if all reporting obligations under earlier agreements have been met.

(2) If the grant agreement has not been fully executed by all the parties within one year of Board approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the Board.

(3) The Director ~~or designee~~ shall establish grant agreement conditions for each grant type. Grantees shall comply with all grant agreement conditions.

(4) The Grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be done under the agreement.

(5) All project activities must demonstrate, to the extent possible, consistency with local community workforce and economic development plans and policies.

(6) Following project completion, equipment purchased with Board funds shall reside with any of the following: watershed council, soil and water conservation district, tribe, local government, state agency, institution of higher learning, or a school district. These entities will make the equipment available to others at no cost, other than nominal operation and maintenance costs.

(7) Upon notice to the Grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the Board.

(8) The Grantee will account for funds distributed by the Board, using project expense forms provided.

(9) The Grantee will obtain the necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy to the Board.

(10) The Board may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the watershed enhancement program. Such conditions may include:

- (a) A commitment by the landowner for continued access for monitoring the project after completion;
- (b) A commitment by the Grantee to maintain the project for a period of time as deemed appropriate by the Board;
- (c) A commitment to supply future reports on the project as required;
- (d) Such other conditions as the Board deems appropriate to the particular circumstances of the project.

695-005-0060

Distribution of Funds

(1) The Board will not reimburse the Grantee for any expenditures incurred prior to the signing of the grant agreement by all parties, except for fees charged by an affected city or county for processing the required Land Use Information Sheet.

(2) The Director may withhold payments to a Grantee in a situation where there are significant and persistent difficulties with satisfying Board requirements.

(3) Prior to disbursement of Board funds, the Grantee must provide proof that the 25% required match, based on the total Board award, has been secured.

(4) Prior to disbursement of Board funds for projects involving private lands, the Board must receive a ~~signed cooperative agreement between the landowner and~~ certification from the Grantee that they will obtain, prior to expending Board funds on a property, a cooperative agreement from the landowner that, at a minimum, includes:

(a) Permission to access the private land, at times agreeable to the landowner, to implement the project, inspect the project, ~~monitor the effectiveness~~ track the status of the project, or perform repairs or maintenance;

(b) Permission for the Board or its representatives to access the private land for inspection and evaluation of the project; and

(~~b~~c) Identification of the party responsible for repairs and maintenance of the project.

(5) Funds shall not be disbursed until the Board receives satisfactory evidence that necessary permits and licenses have been granted and documents required by the Board have been submitted.

(6) Funds will be released upon presentation of a completed fund release request form accompanied by receipts or invoices, and proof of completion of specific work elements of the project as identified in the Grant Agreement.

(7) Advance funds may be released upon presentation of a detailed estimate of expenses for up to 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance must be submitted, a justification to extend the advance must be approved, or the unexpended advance funds must be returned to the Board. Additional funds will not be released until receipts for expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by the Director ~~or designee~~.

(8) The Board shall retain ten percent of project funds until the final report, as required in the grant agreement, has been approved. Final reports are due within 60 days of project completion. Any unexpended Board funds must be returned to the Board with the final report. Upon receipt of the final report, the Board shall have 90 days to approve the completed report or notify the Grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved the final payment shall be promptly processed.

(9) All Grantees shall account for at least 25% in actual match, on a form prescribed by the Board, based on the total Board grant expenditures, upon project conclusion and final reporting.

695-005-0070

Waiver of Rules

The Director ~~or designee~~ may waive the requirements of division 5, unless they are required by statute, for individual grants where doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

695-005-0080

Periodic Rules Review and Program Evaluation

NO CHANGE

DIVISION 10 RESTORATION GRANTS

695-010-0010 to 695-010-0090

NO CHANGE

695-010-0100

Grant Agreement Conditions

(1) The Grantee must submit a report at completion of the project describing the work done and placing it in its larger watershed context.

(2) The Grantee will ~~monitor the long term effectiveness~~ track the status of the project, and continue its maintenance, submitting periodic reports on a schedule set by the Board. All reports will be filed with the Board or at a location specified by the Board.

(3) The Grantee must agree to complete the project as approved by the Board and within the timeframe specified in the grant agreement unless proposed modifications are submitted and approved by the Director ~~or designee~~ prior to the beginning of any work proposed in the modification.

(4) The Director ~~or designee~~ will consider project modifications including expansion of funded projects with moneys remaining from the original project allocation if the purpose and intent of the amendment remains the same as the original project, the proposed activity is within the same watershed, and the modification would be compatible with acknowledged comprehensive plans.

(5) The Director ~~or designee~~ may authorize minor changes within the scope of the original project plan.

(6) The Grantee will allow Board members or designated representatives access to the project area at a mutually agreeable time to monitor and evaluate the project.

(7) The Grantee must submit as part of their final report a completed Oregon Watershed Restoration Reporting form, using the most current form available on the ~~Board~~OWEB website.

695-010-0110

The Director may waive the requirements of division 10, unless they are required by statute, for individual grants where doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

DIVISION 35 SMALL GRANT PROGRAM

695-035-0100 to 695-035-0070

NO CHANGE

695-035-0080

The Director may waive the requirements of division 35, unless they are required by statute, for individual grants where doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

DIVISION 40 WATERSHED COUNCIL SUPPORT

695-040-0100 to 695-040-0070

NO CHANGE

695-040-0080

The Director may waive the requirements of division 40, unless they are required by statute, for individual grants where doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.