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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 695
OREGON WATERSHED ENHANCEMENT BOARD

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FILING CAPTION: Revisions to OWEB Monitoring Grants Rules

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RULES:
695-025-0080, 695-025-0090, 695-025-0100, 695-025-0120, 695-025-0140, 695-025-0150, 695-025-0160, 695-025-0170, 695-025-0180, 695-025-0190

ADOPT: 695-025-0080

RULE TITLE: Purpose

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes the purpose of the Monitoring Grants rules.

RULE TEXT:
In accordance with Section 4b.(2) of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose monitoring activities necessary for carrying out projects that either protect or restore native fish or wildlife habitats, or protect or restore natural watershed or ecosystem functions in order to improve water quality or stream flows. This division supplements the OWEB Grant Program rules under OAR 695-005, and provides specific requirements for the OWEB monitoring grant program. In the event of any conflict between these requirements and requirements identified in OAR 695-005, the monitoring grants requirements in this division will take precedence.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

AMEND: 695-025-0090

RULE TITLE: Definitions

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Provides definitions of key terms found within the Monitoring Grants rules.

RULE TEXT:

(1) “Adaptive management/adaptively manage” means a systematic process for continually improving by learning from ongoing experience. The process is commonly depicted as an iterative cycle of planning, implementing, monitoring, evaluating, and adjusting.

(2) “Delegated to the Director” means the grant funds that the Board has authorized to the Director to award and enter into appropriate agreements.

(3) “Limiting factors” means physical, biological, or chemical conditions that reduce population of a species.

(4) “Monitoring question” means the question(s) that the applicant aims to answer by implementing the project as proposed in the application.

(5) “Professionally accepted” means methodologies or techniques that have been vetted by experts in the field in which the applicant is seeking monitoring funds.

(6) “Publicly available” means any member of the public can easily and reasonably access information.

(7) “Technical Review Team” means a team of designated personnel with relevant knowledge, including indigenous knowledge, convened to evaluate grant applications, which includes established regional review teams as described in OAR 695-005-0020(4).

(8) “Watershed processes” means the physical and chemical interactions that form and maintain the landscape at the scale of a drainage basin. They can be broken down into specific functions and characteristics, including: soil processes and erosion, nutrient cycling, pollution transport, riparian habitat and stream buffers, stream morphology and channel characteristics, hydrology, and water quality.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890 - 541.969

ADOPT: 695-025-0100

RULE TITLE: Eligibility

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Provides details on project eligibility for Monitoring Grants.

RULE TEXT:

In accordance with ORS 541.956(4), the Board will only consider grant applications that:

(1) Describe current watershed conditions by gathering and analyzing data, and making monitoring results publicly available;

(2) Establish trends about watershed conditions by gathering and analyzing data, and making monitoring results publicly available; or

(3) Evaluate the specific effects of a restoration or acquisition project or program by comparing similar watershed components before and after implementation of a restoration or acquistion project or program, and making monitoring results publicly available.

Projects that will not inform the development of restoration or acquisition projects or programs and have the sole purpose of theory testing, evaluation of experimental designs, or the production of generalizable knowledge, are ineligible.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

REPEAL: 695-025-0120

RULE TITLE: Application Requirements

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Repeals application requirements rule as it is redundant to Division 5 rules that specify application requirements for all OWEB grants.

RULE TEXT:

Applicants must demonstrate conformance with the following provisions:

(1) Demonstrate knowledge of state and/or federally accepted monitoring protocols;

(2) Provide assurance that an appropriate protocol will be used; and

(3) Acknowledge that the results will be available to a state database.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890 - 541.969

AMEND: 695-025-0140

RULE TITLE: Evaluation Criteria

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Provides details on how Monitoring Grants applications will be evaluated.

RULE TEXT:

Monitoring grant applications will be evaluated on the following criteria and to the extent to which the proposed project clearly addresses:

(1) The need, relevance, applicability, and timeliness of the proposed monitoring project to inform future planning, implementation or adaptive management of restoration or acquisition projects;

(2) Monitoring or information needs related to limiting factors, habitat conditions, watershed processes or actions described in federal, tribal, regional, state, or local plans or assessments, or that would inform development of a federal, tribal, regional, state, or local plan or assessment;

(3) Existing data, including historical data and indigenous knowledge, or current or planned monitoring efforts that this project will complement;

(4) The monitoring questions and how the proposed monitoring methods and activities (including study design, data collection and management, and analysis procedures) will answer these questions;

(5) Professionally accepted monitoring and analysis protocols, including quality assurance / quality control procedures to be utilized;

(6) Proposed costs that are appropriate for the work necessary to accomplish the objectives;

(7) The organizational capacity of the applicant as it relates to past experience and successful implementation of monitoring projects, relative to the proposed monitoring activities;

(8) The qualifications, ability, and performance history of the technical staff of the applicant, consultants to be retained, or project partners to apply appropriate monitoring approaches and the proposed data collection and analysis methods in a manner that will successfully complete the monitoring activities;

(9) How the appropriate technical experts and community stakeholders are engaged; and

(10) The process by which data and results will be stored, reported, and made publicly available.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890 - 541.969

ADOPT: 695-025-0150

RULE TITLE: Technical Review Process

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes process for how Monitoring Grants applications will be reviewed.

RULE TEXT:

(1) For monitoring grant applications seeking grant funds that require the Board to make a funding decision:

(a) A statewide team with monitoring expertise from natural resource agencies will be convened to review monitoring grant applications using the following process:

(A) Prior to meeting, the statewide team shall receive each application, past evaluations for resubmitted projects and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application; and

(B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.

(b) A technical review team will be convened to review monitoring grant applications.

(c) Prior to the technical review team meeting, the technical review team shall receive each application, past evaluations for resubmitted projects, the feedback from the statewide team and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application;

(d) At the technical review team meeting, the technical review team shall:

(A) Review and evaluate each application individually based on the statewide team's feedback and how well the proposed project meets the criteria in OAR 695-025-0140;

(B) Recommend each project as:

(i) Fund;

(ii) Fund with conditions;

(iii) Do not fund; or

(iv) Defer to staff or the Board with an explanation if there is a policy issue or budget issue that needs to be addressed by the Board prior to a funding decision; and

(C) Rank order of projects recommended for funding based on how well the project meet the criteria established in OAR 695-025-0140.

(e) The project description, summary evaluation and funding recommendation for all projects, and the rank order of projects recommended for funding shall be provided from the technical review team to staff for their consideration. This information will be provided to all applicants and to the Board.

(2) For monitoring grant applications seeking grant funds that have been delegated to the Director:

(a) A statewide team with monitoring expertise from natural resource agencies may be convened to review monitoring grant applications using the following process:

(A) Prior to meeting, the statewide team shall receive each application, past evaluations for resubmitted projects , and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application; and

(B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.

(b) A technical review team will be convened to review monitoring grant applications and evaluate each application individually based on any statewide team feedback and how well the proposed project meets the criteria in OAR 695-025-0140; this information will be provided to the applicants and the Director.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

ADOPT: 695-025-0160

RULE TITLE: Staff Funding Recommendation Process

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes process through which OWEB staff recommend Monitoring Grants applications for funding to the OWEB Board or Director.

RULE TEXT:

(1) For monitoring grant applications seeking grant funds that require the Board to make a funding decision:

(a) Staff shall review the recommendations from each technical review team and make a statewide funding recommendation to the Board based on available resources for the grant offering and type. The recommendation shall include any suggested conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation, as represented in the staff report to the Board, shall be sent to applicants and members of the technical review teams at least two weeks before the Board meeting where funding decisions are to be made.

(b) Applicants may provide written comment to the Board on the staff recommendation prior to the Board decision or oral comment to the Board during the meeting at which the Board decision will be made.

(2) For monitoring grant applications seeking grant funds that have been delegated to the Director, staff shall review the recommendations from each technical review team and make a funding recommendation to the Director based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation shall be provided to the applicants.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

ADOPT: 695-025-0170

RULE TITLE: Funding Decision

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes process for funding Monitoring Grants applications.

RULE TEXT:

For monitoring grant applications seeking grant funds that require the Board or Director to make a funding decision:

(1) A project may be funded in whole or in part.

(2) Projects not funded may be resubmitted during future application submission periods.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

ADOPT: 695-025-0180

RULE TITLE: Grant Agreement Conditions

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes conditions of grant agreements for Monitoring Grants.

RULE TEXT:

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

(2) The Director 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 geographic area, and the modification would be compatible with acknowledged comprehensive plans.

(3) The Director may authorize minor changes within the scope of the original project plan.

(4) The Grantee must submit a report at completion of the project in accordance with reporting requirements described in the grant agreement.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969

ADOPT: 695-025-0190

RULE TITLE: Waiver and Periodic Review of Rules

NOTICE FILED DATE: 01/27/2020

RULE SUMMARY: Describes rule waiver process for Monitoring Grants, and notes that rules shall be reviewed periodically by the OWEB Board.

RULE TEXT:

The Director may waive the requirements of Division 25 for individual grant applications unless required by statute, when doing so will result in more efficient or effective implementation of the Board's monitoring grant program. Any waiver must be in writing and included in the grant file to which the waiver applies. The administrative rules for monitoring grants shall be periodically reviewed by the Board and revised as necessary and appropriate.

STATUTORY/OTHER AUTHORITY: ORS 541.906

STATUTES/OTHER IMPLEMENTED: ORS 541.890-541.969