

LC 544
2023 Regular Session
69000-001
10/28/22 (AG/ps)

D R A F T

SUMMARY

Establishes Place-Based Water Planning Fund in State Treasury, separate and distinct from General Fund. Continuously appropriates moneys in Place-Based Water Planning Fund to Water Resources Department for purposes related to water planning.

Directs Water Resources Director to use moneys in fund for certain purposes related to place-based integrated water resources plans and associated activities.

Declares emergency, effective on passage.

1 A BILL FOR AN ACT

2 Relating to a water planning fund; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Place-Based Water Planning Fund is established**
5 **in the State Treasury, separate and distinct from the General Fund.**

6 **Interest earned by the Place-Based Water Planning Fund shall be**
7 **credited to the fund. The fund consists of moneys appropriated to the**
8 **fund by the Legislative Assembly and public or private moneys desig-**
9 **nated for deposit in the fund. Moneys in the fund are continuously**
10 **appropriated to the Water Resources Department for the purpose of**
11 **carrying out the provisions of section 2 of this 2023 Act.**

12 **SECTION 2. (1) As used in this section:**

13 **(a) “Eligible implementation coordination costs”:**

14 **(A) Means costs associated with actions taken to coordinate imple-**
15 **mentation of a state-recognized place-based integrated water resources**
16 **plan, including:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

Commented [HB*W1]: Recommendation V

- 1 (i) Costs of facilitation services related to meetings.
- 2 (ii) The provision of stipends to encourage ongoing participation in
3 meetings.
- 4 (iii) Costs of coordination-related actions that occur after state re-
5 cognition of a place-based integrated water resources plan.
- 6 (B) Does not include the costs of implementing a project.
- 7 (b) “Environmental justice community” has the meaning given that
8 term in ORS 182.535.
- 9 (c) “Indian tribe” means a federally recognized Indian tribe in
10 Oregon that has members residing on a reservation or tribal trust
11 lands in Oregon.
- 12 (d) “Person” has the meaning given that term in ORS 536.007.
- 13 (e) “Place-based integrated water resources plan” means a plan
14 that:
- 15 (A) Is developed in collaboration with a balanced representation of
16 interests;
- 17 (B) ~~Balances-Addresses~~ current and future in-stream and out-of-
stream needs;
- 18 (C) Includes the development of actions that are consistent with the
19 state water resources policy, as defined in ORS 536.007, and other state
20 laws concerning the water resources of this state;
- 21 (D) Facilitates local water resources solutions;
- 22 (E) Is developed using an open, equitable and transparent process
23 that fosters public participation;
- 24 (F) Is developed in consultation with the Water Resources Depart-
25 ment and other relevant state agencies;
- 26 (G) Strives to integrate solutions to cost-effectively achieve multi-
27 ple benefits;
- 28 (H) Is consistent with the guiding principles of the integrated state
29 water resources strategy;
- 30 (I) Complies with rules of the Water Resources Commission re-
31 garding development of place-based integrated water resources plans;

1 (J) Is reviewed by, and recognized by a resolution of, the Water
2 Resources Commission; and

3 (K) Is for an area associated with waters from sources within a
4 hydrologic boundary.

5 (f) "Situational assessment" includes evaluation of:

6 (A) An area's readiness, needs and capacity for developing a place-
7 based integrated water resources plan within a hydrologic boundary.

8 (B) Potential gaps in state and local capacity and data related to
9 development of a place-based integrated water resources plan.

10 (C) Actions that may ensure timely completion of a place-based in-
11 tegrated water resources plan.

12 (D) Potential critical water issues that may be the focus when de-
13 veloping a place-based integrated water resources plan.

14 (g) "State-recognized place-based integrated water resources plan"
15 means a place-based integrated water resources plan that has been
16 reviewed by the Water Resources Commission and recognized by a
17 commission resolution stating that the completed place-based inte-
18 grated water resources plan adheres to applicable requirements.

19 (2) The Water Resources Director shall disburse moneys in the
20 Place-Based Water Planning Fund established in section 1 of this 2023
21 Act as grants. ~~Applications must demonstrate in-kind and cash cost~~
~~match of not less than 25 percent of the amount of the to fund up to~~
~~75 percent of the grant funds requested for~~ actions sup-
22 porting ~~the development of a~~ place-based integrated water resources
23 planning, including costs of:

24 (a) Filling gaps in state, ~~tribal~~ and local capacity, knowledge and
skill sets.

25 (b) Developing data and associated analyses tailored to the area of
26 a place-based integrated water resources plan.

27 (c) Building relationships among state agencies and people who live
28 in, or are interested in, the area of a place-based integrated water re-
29 sources plan.

30 (d) Assisting with building the capacity of a community to develop
[3]

Commented [HB*W2]: Recommendation F

Commented [HB*W3]: Recommendations M, O, P

31 a place-based integrated water resources plan.

1 (e) Facilitating associated public participation, including partic-
2 ipation by members of environmental justice communities, through
3 education, outreach, financial support and other activities.

4 (f) Assessing critical issues related to a place-based integrated wa-
5 ter resources plan.

6 (g) Designing and managing the development of a place-based inte-
7 grated water resources plan.

8 (h) ~~That are Eligible~~ implementation coordination costs of a
state-

9 recognized place-based integrated water resources plan.

10 (i) Supporting development of a place-based integrated water re-
11 sources plan.

12 (j) ~~Assisting groups to prepare and assess readiness to engage in
development of a place-based integrated plan.~~

1113 (k) ~~Updating a state-recognized place-based integrated water
resources plan~~

1214 (3) The grants may be awarded to persons, Indian tribes and
1315 nonprofit organizations.

1416 (4) The grants may be awarded as cost sharing with other programs
1517 that support water resources planning.

1618 (5) In addition to disbursing moneys in the fund as grants described
1719 in subsection (2) of this section, the Water Resources Director may
1820 use moneys in the fund to contract for situational assessments, data
1921 development, technical assistance and other actions in support of a
2022 place-based integrated water resources plan.

2123 (6) Before issuing funding under subsections (2) or (5) of this sec-
2224 tion, the Water Resources Director shall consult with the Department
2325 of Environmental Quality, Oregon Health Authority, State Depart-
2426 ment of Agriculture and State Department of Fish and Wildlife to
2527 understand agency capacity to participate in developing a place-based
2628 integrated water resources plan.

2729 (7) The Department of Environmental Quality, Oregon Health Au-

Commented [HB*W4]: Recommendation D

Commented [HB*W5]: Recommendation M

Commented [HB*W6]: Recommendation P

Commented [HB*W7]: Recommendation D

2830 thority, State Department of Agriculture, State Department of Fish
2931 and Wildlife and Water Resources Department may provide technical
3032 information and assistance to, and enter into contracts or agreements
3133 with, a person, Indian tribe or nonprofit organization to facilitate im-
1 plementation of this section.

Commented [HB*W8]: Recommendation D

2 (8) The Water Resources Commission shall consider state-
3 recognized place-based integrated water resources plans when updating
4 the integrated state water resources strategy.

Commented [HB*W9]: Recommendation G

5 (9) The commission may adopt rules to implement this section, in-
6 cluding rules that:

7 (a) Further clarify the expenditures that may be funded by the
8 grants.

9 (b) In consultation with other state agencies, Pprioritize the
10 issuance of funding for purposes described in this
11 section.

Commented [HB*W10]: Recommendation H: Other agencies called out in HB 5006 report should be consulted

12 (c) Establish requirements for engaging environmental justice
13 communities pursuant to this section.

14 (d) In consultation with other state agencies, Eestablish
15 criteria and a process for state recognition of a
16 place-based integrated water resources plan.

Commented [HB*W11]: Recommendation H: Other agencies called out in HB 5006 report should be consulted

17 (e) Describe how the commission will consider state-recognized
18 place-based integrated water resources plans when updating the inte-
19 grated state water resources strategy.

Commented [HB*W12]: Recommendation G

20 (f) Establish reporting and other requirements necessary to maintain
the status of a state-recognized place-based integrated water resources
plan including:

Commented [HB*W13]: Recommendation F

- 21 i) progress on plan implementation,
22 ii) how plan strategies and actions continue to represent a balance of
instream and out of stream water interests, and
23 iii) the planning groups plans related to collaboration and place-based
planning principles.”

24 SECTION 3. This 2023 Act being necessary for the immediate pres-
ervation of the public peace, health and safety, an emergency is de-
clared to exist, and this 2023 Act takes effect on its passage.²¹