

A-Engrossed
House Bill 3163

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representatives HELM, OWENS; Representatives GAMBA, LEVY B

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Place-Based Water Planning Fund. Continuously appropriates moneys in 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.

A BILL FOR AN ACT

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

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

SECTION 1. The Place-Based Water Planning Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Place-Based Water Planning Fund shall be credited to the fund. The fund consists of moneys appropriated to the fund by the Legislative Assembly and federal, public or private moneys designated for deposit in the fund. Moneys in the fund are continuously appropriated to the Water Resources Department for the purpose of carrying out the provisions of section 2 of this 2023 Act.

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

(a) "Eligible implementation coordination costs":

(A) Means costs associated with actions taken to coordinate the implementation of a state-recognized place-based integrated water resources plan.

(B) Does not include the costs of implementing a project.

(b) "Environmental justice community" has the meaning given that term in ORS 182.535.

(c) "Indian tribe" means a federally recognized Indian tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon.

(d) "Person" has the meaning given that term in ORS 536.007.

(e) "Place-based integrated water resources plan" means a plan that:

(A) Is developed for a planning area associated with waters from sources within a shared hydrologic boundary;

(B) Is developed in collaboration with a balanced representation of interests;

(C) Addresses current and future in-stream and out-of-stream needs;

(D) Includes the development of actions that are consistent with the state water resources policy and other state laws concerning the water resources of this state;

(E) Is developed using an open, equitable and transparent process that fosters public

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.

1 participation and meaningful engagement with environmental justice communities, consist-
2 ent with the requirements of ORS 182.545;

3 (F) Is developed in consultation with the Water Resources Department and other rele-
4 vant state agencies;

5 (G) Facilitates implementation of local water resources solutions and supports the
6 knowledge and relationships needed to implement the solutions;

7 (H) Assesses actions that are compatible with local comprehensive plans;

8 (I) Strives to integrate solutions to cost-effectively achieve multiple benefits;

9 (J) Is consistent with the guiding principles of the integrated state water resources
10 strategy; and

11 (K) Complies with the rules of the Water Resources Commission, including any rules
12 regarding the development of place-based integrated water resources plans.

13 (f) "Place-based integrated water resources planning" means a collaborative and inclusive
14 process that is designed to:

15 (A) Gather information to develop a shared understanding of water resources and iden-
16 tify critical issues and knowledge gaps;

17 (B) Examine the existing and future in-stream and out-of-stream water needs for people,
18 the economy and the environment;

19 (C) Identify and prioritize strategic, integrated solutions to understand and meet in-
20 stream and out-of-stream water needs; and

21 (D) Develop, implement and update a place-based integrated water resources plan.

22 (g) "Public body" has the meaning given that term in ORS 174.109.

23 (h) "Situation assessment" means an assessment conducted for the purpose of under-
24 standing the status of an issue, stakeholder perspectives and the needs and conditions that
25 potentially affect the feasibility and design of a collaborative process to develop and imple-
26 ment a place-based integrated water resources plan.

27 (i) "State-recognized place-based integrated water resources plan" means a place-based
28 integrated water resources plan that has been reviewed by the Water Resources Commission
29 and recognized by a commission resolution stating that the completed place-based integrated
30 water resources plan adheres to applicable requirements.

31 (2) The Water Resources Director may award grants with moneys from the Place-Based
32 Water Planning Fund established in section 1 of this 2023 Act to fund the costs of actions
33 supporting place-based integrated water resources planning, including costs of:

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

35 (b) Developing data and associated analyses tailored to the area of a place-based inte-
36 grated water resources plan.

37 (c) Assessing critical issues within the planning area.

38 (d) Building knowledge and relationships among state agencies, organizations with ties
39 to or an interest in the planning area and people who live in, work in or are interested in the
40 planning area.

41 (e) Assisting groups with preparing and assessing readiness to engage in relevant plan-
42 ning.

43 (f) Assisting with building the capacity of a community to engage in relevant planning.

44 (g) Facilitating and managing a collaborative process to support relevant planning.

45 (h) Developing, or supporting development of, a place-based integrated water resources

1 **plan.**

2 (i) **Facilitating associated public participation, including participation by members of en-**
3 **vironmental justice communities, through education, outreach, financial support and other**
4 **activities.**

5 (j) **Updating a state-recognized place-based integrated water resources plan.**

6 (k) **Eligible implementation coordination costs.**

7 (3) **In awarding grants, the department may require cost matching by applicants.**

8 (4) **The grants may be awarded to persons, public bodies, Indian tribes and nonprofit or-**
9 **ganizations.**

10 (5) **The grants may be awarded as cost sharing with other programs that support place-**
11 **based integrated water resources planning.**

12 (6) **In addition to disbursing moneys in the fund as described in subsection (2) of this**
13 **section, the Water Resources Director may use moneys in the fund to further place-based**
14 **integrated water resources planning by entering into agreements or contracting for the fol-**
15 **lowing:**

16 (a) **Efforts related to interagency coordination.**

17 (b) **Situation assessments.**

18 (c) **The collection or development of data, data inventories or other technical information**
19 **necessary for planning.**

20 (d) **Technical assistance.**

21 (e) **The development of guidelines and best practices.**

22 (f) **Providing opportunities for public participation.**

23 (g) **The development or provision of training and learning opportunities.**

24 (h) **Holding events and gatherings.**

25 (i) **Evaluations to identify lessons learned and areas for improvement.**

26 (j) **Consultation with Indian tribes.**

27 (k) **Other actions in support of place-based integrated water resources planning that**
28 **benefit a specific area in this state or the state as a whole.**

29 (7) **Before issuing funding under subsection (2) or (6) of this section, the Water Resources**
30 **Director shall consult with the Department of Environmental Quality, Department of Land**
31 **Conservation and Development, Oregon Health Authority, Oregon Watershed Enhancement**
32 **Board, State Department of Agriculture and State Department of Fish and Wildlife to un-**
33 **derstand agency capacity to:**

34 (a) **Participate in place-based integrated water resources planning.**

35 (b) **Provide information and assistance described in subsection (9) of this section.**

36 (8) **Before issuing funding under subsection (2) of this section, the Water Resources Di-**
37 **rector shall notify county and tribal governments within the proposed planning boundary of**
38 **an application.**

39 (9) **The Water Resources Department, Department of Environmental Quality, Depart-**
40 **ment of Land Conservation and Development, Oregon Health Authority, Oregon Watershed**
41 **Enhancement Board, State Department of Agriculture and State Department of Fish and**
42 **Wildlife may provide technical information and assistance to, and enter into contracts or**
43 **agreements with, a person, public body, Indian tribe or nonprofit organization to facilitate**
44 **implementation of this section.**

45 (10) **The Water Resources Commission shall consider state-recognized place-based inte-**

1 **grated water resources plans when updating the integrated state water resources strategy.**

2 **(11) The commission may adopt rules to implement this section, including rules that:**

3 **(a) Further clarify the expenditures that may be funded by the grants.**

4 **(b) Prioritize the issuance of funding for purposes described in this section and establish**
5 **a system for scoring and ranking projects that includes consideration of groups' readiness**
6 **for planning and projects' alignment with strategic priorities determined by state water laws**
7 **and relevant state agencies.**

8 **(c) Establish requirements for promoting public participation and engaging environ-**
9 **mental justice communities.**

10 **(d) Establish criteria and a process for state recognition of a place-based integrated wa-**
11 **ter resources plan.**

12 **(e) Describe how the implementation of actions outlined in a state-recognized place-based**
13 **integrated water resources plan may be considered and supported.**

14 **(f) Establish reporting and other requirements necessary to maintain the status of a**
15 **state-recognized place-based integrated water resources plan, including requirements con-**
16 **cerning:**

17 **(A) Progress on implementing a place-based integrated water resources plan.**

18 **(B) How strategies and actions outlined in a place-based integrated water resources plan**
19 **must continue to represent a balance of in-stream and out-of-stream water interests.**

20 **(C) How the planning process continues to demonstrate a commitment to collaboration**
21 **and adherence to principles of place-based integrated water resources planning and the in-**
22 **tegrated state water resources strategy described in ORS 536.220.**

23 **(12) In developing rules described in subsection (11) of this section, the commission shall**
24 **consult with the agencies described in subsection (7) of this section and other affected**
25 **agencies.**

26 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
28 **on its passage.**

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