

Division 98 - Oregon Conservation and Recreation Fund

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Rule 635-098-0000 – Purpose of the Fund

The purpose of the Conservation and Recreation Fund appropriated to the State Department of Fish and Wildlife is to carry out activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon.

Rule 635-098-0010 - Definitions

- (1) "Advisory Committee" is the Oregon Conservation and Recreation Fund Advisory Committee as created under ORS 496.254.
- (2) "the Department" is the State Department of Fish and Wildlife.
- (3) "the Fund" means moneys appropriated to the Department for deposit and donations deposited and credited to the Oregon Conservation and Recreation Fund.
- (4) "Agreement" is the legally binding document between the Department and the funding recipient. It consists of the conditions specified in these rules, special conditions to the agreement, the project description and budget, and the approved application for funding the project.
- (5) "Commission" is the Oregon Fish and Wildlife Commission.
- (6) "Partners" are entities that have committed funding, expertise, materials, labor, or other assistance to a proposed project. Partners do not need to be eligible applicants as defined in 635-098-0070 (Process for Expenditures from the Fund).
- (7) "Technical experts" is a team of designated persons with interdisciplinary expertise to evaluate applications based on evaluation criteria.

Rule 635-098-0020 – Contributions to the Fund

The Oregon Conservation and Recreation Fund shall consist of:

- (1) Moneys appropriated to the Department State Department of Fish and Wildlife for deposit in the Fund or otherwise transferred to the Fund; and
- (2) Gifts, grants, contributions, or other donations for use as described in 635-098-0030 (Expenditures from the Fund) that are received by the Department from any public or private source and caused to be deposited and credited to the Fund.

Rule 635-098-0030 – Expenditures from the Fund

The activities as defined in ORS 496.252(2a-e) for which the Department, in consultation with the Advisory Committee and as approved by the Commission, may expend moneys from the Oregon Conservation and Recreation Fund include, but are not limited to:

- (1) Promoting the health of Oregon's ecosystems and fish and wildlife species by implementing conservation programs and strategies identified in the Oregon Conservation Strategy, as defined in ORS 541.890 (Definitions for ORS 541.890 to 541.969), including conservation programs and

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- strategies for the nearshore identified in the marine component of the Oregon Conservation Strategy;
- (2) Improving engagement of the public in wildlife watching, hunting and fishing opportunities and in other outdoor recreation opportunities related to and in support of healthy fish, wildlife, and habitats;
 - (3) Improving educational outreach and engagement of the public, including diverse and underserved communities, related to and in support of healthy fish, wildlife and habitats;
 - (4) Engaging in, and providing funding for, joint projects of the Department and the State Parks and Recreation Department or other state agencies as recommended by the ~~Oregon Conservation and Recreation Advisory Committee, and~~
 - (5) Other conservation, management, research, habitat improvement, enforcement, outdoor recreation, or education activities; and
 - (6) **Costs incurred by the Department in administering the Fund's purpose.**

Rule 635-098-0040 – Purpose Duties of the Oregon Conservation and Recreation Fund Advisory Committee

~~The purpose of the Oregon Conservation and Recreation Advisory Committee (the “advisory committee”) is to advise the Oregon Fish and Wildlife Commission on how to expend and obligate funding from the Oregon Conservation and Recreation Fund to carry out activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon and prepare a biennial report to submit to the Legislative Assembly.~~

The duties of the Advisory Committee, in accordance with ORS 496.252 and ORS 496.254, are to:

- (1) Review Department policies regarding the use of the Fund moneys.
- (2) Advise the Commission and the Department on how to expend and obligate funding from the Fund to carry out activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon;
- (3) Work jointly with the Department to submit a biennial report to the Legislative Assembly as provided in ORS 293.640 (Period covered by biennial reports) regarding the expenditure of moneys deposited in the Fund and on the status of various activities funded by the moneys.
- (4) (4) Perform such other duties as may be requested by the Department and Commission.

Rule 635-098-0050 – Membership of Conservation and Recreation Fund Advisory Committee

- (1) **Advisory Committee Composition, as established in ORS 496.254:**
 - (a) The Advisory Committee shall consist of nine members appointed by the Governor.
 - (b) Six members of the Advisory Committee shall be appointed to represent one of each of the ecoregions described below, which are documented and described in the Oregon Conservation Strategy. To represent an ecoregion, the member shall live in and possess demonstrable scientific expertise related to the ecoregion:
 - (A) Nearshore Marine or Coast Range
 - (B) Willamette Valley
 - (C) Klamath Mountains
 - (D) West Cascades or East Cascades
 - (E) Columbia Plateau or Blue Mountains
 - (F) Northern Basin and Range

- (c) Three members of the Advisory Committee shall be appointed from Oregon-at-large. These three members shall have an interest in fish and wildlife conservation or outdoor recreation, especially wildlife-associated recreation such as wildlife viewing, nature photography, nature tourism, outdoor education, or community science.
- (d) In making appointments of all nine Advisory Committee members, consideration should be given to appointing members who possess experience engaging youth, underserved communities, and diverse audiences, such as communities of color, tribes, and low income communities, in conservation and recreation activities. Consideration should also be given to members with interests in the economic, social, and educational benefits of healthy ecosystems.
- (e) Consideration should be given to ensuring that the Advisory Committee membership reflects the demographic and geographic diversity of Oregon.
- (f) The Associate Director of Outdoor Recreation, or the Associate Director's designee, shall serve as a non-voting, ex-officio member on the Advisory Committee.
- (g) One member of the Oregon Fish and Wildlife Commission may be designated by the Commission to serve as a non-voting ex-officio member on the Advisory Committee.

(2) Officers:

- (a) The officers of the Advisory Committee shall be a Chair and a Vice Chair.
- (b) Officers shall be elected by the Advisory Committee from the nine voting members.
- (c) Officers may hold office for a period of two years from the date of appointment, and may be re-elected.

(3) Advisory Committee Term Limits: Each of the nine, voting members of the Advisory Committee shall serve for a term of four years. A member shall be eligible for reappointment, but no member shall serve more than two consecutive terms.

(4) Compensation: Members of the Advisory Committee may not receive compensation for service as members. However, subject to any applicable law regulating travel and other expenses of state officers a member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from moneys available to the Department for the purpose of reimbursement of Advisory Committee members.

Rule 635-098-0060 – Meetings of Oregon Conservation and Recreation Fund Advisory Committee

(1) Time, Location, and Frequency:

At times and places fixed by the Chair of the Advisory Committee, the committee shall meet at a minimum three times per year.

(2) Voting:

- (a) Each of the nine voting members of the Advisory Committee shall be entitled to one vote on all issues presented at meetings at which the member is present.
- (b) Five members of the Advisory Committee, ~~less any vacant seats~~, constitute a quorum.
- (c) Less than a quorum of the Advisory Committee ~~or a subcommittee~~ may receive testimony.
- (d) A recommendation to the Department and Commission requires an affirmative vote of at least five committee members. Vote will be by roll call.
- (e) In the absence of the chair and vice chair, the members may choose a temporary chair.
- (f) Members of the Advisory Committee should not abstain from voting except on a matter involving potential conflict of interest, in which case the reason for abstention will have been disclosed.

Rule 635-098-0060—Advisory Committee Duties and Recommendation Procedures

(1) In accordance with HB 2829 (2019), the Oregon Conservation and Recreation Advisory Committee:

(a) Shall review department policies regarding the use of Oregon Conservation and Recreation Fund moneys.

(b) Shall make recommendations to the commission and the department regarding the use of fund moneys. Pursuant to HB 2829 (2019), the advisory committee shall identify uses for which the department may expend fund moneys.

(c) Shall work jointly with the department to submit a biennial report to the Legislative Assembly as provided in ORS 293.640 (Period covered by biennial reports) regarding the expenditure of moneys deposited in the Oregon Conservation and Recreation Fund and on the status of various activities funded by the moneys.

(d) May perform such other duties as may be requested by the department and commission.

Rule 635-098-0070 – Process for Expenditures from the Fund

(1) The advisory committee shall establish a process for requesting proposals for Conservation and Recreation Fund projects from the department and other interested parties. The Department in coordination with the Advisory Committee shall solicit proposals for Conservation and Recreation Fund projects from the Department and other interested parties at least once per year and as funding allows.

- (a) Eligible entities include any tribe, watershed council, soil and water conservation district, not-for-profit corporation, school, Oregon institution of higher education, state agency, local government, or private not-for-profit institution of higher education. Private not-for-profit organizations must have tax-exempt status under the IRS Code Section 501(c)(3).
- (b) A federal agency may partner with an eligible entity. Individuals may partner with an eligible entity.
- (c) The Department with the Advisory Committee may define additional eligibility guidelines as needed.

Rule 635-098-0080 – Conservation and Recreation Fund Regular Grants

(1) The Department in coordination with the Advisory Committee shall offer Regular Grant funding solicitations for proposals pursuant to the following:

- (a) Regular Grant funding proposals shall be solicited no less than once per year through a request for proposals.
- (b) Interested applicants shall submit a project application to the Department by the deadline described in the solicitation.
- (c) The Department, in collaboration with the Advisory Committee and technical experts, shall review all Regular Grant funding applications against the evaluation criteria, representation of program priorities as outlined in 635-098-0030 and any other

requirements deemed appropriate by the Department which will be made available in the current solicitation.

- (d) Project match may not be required for Regular Grants but may be considered during the review process.
- (e) Project monitoring may be required with conditions made available in the current solicitation.
- (f) The Advisory Committee may request that an applicant amend a project application's scope of work and budget to meet program priorities, and Department staff may assist with such amendments.

Rule 635-098-0090 – Conservation and Recreation Fund Urgent Grants

- (1) The Department in coordination with the Advisory Committee may offer an Urgent Grant funding opportunity for critical need projects that are time-sensitive and high-priority projects that need funding outside of the Regular Grant funding opportunity. All Urgent Grant funding project requests shall submit applications pursuant to the criteria below:
 - (a) All proposed projects for Urgent Grant funding may be required to:
 - (A) Provide a 1-page pre-application to ODFW staff and a full application upon request,
 - (B) Attend a pre-application conference with ODFW staff,
 - (C) Present to the Advisory Committee on the proposed project prior to an award,
 - (D) Perform project monitoring,
 - (E) Have secured all project permitting or provide proof of submission, and
 - (F) Be ready to implement upon award.
 - (b) Urgent Grants may be required to provide up to a 25% project match.
 - (c) Urgent Grants may be considered on a rolling basis, year-round, to eligible applicants.
 - (d) The timing of consideration of Urgent Grant funding requests shall be at the discretion of the Advisory Committee, considering available funds and other business.
 - (e) The Advisory Committee shall review all Urgent Grant funding applications against the eligibility requirements, application requirements, and any other requirements deemed appropriate by the Department in collaboration with the Advisory Committee.
 - (f) The Advisory Committee may request that an applicant amend a project application's scope of work and budget to meet program priorities, and Department staff may assist with such amendments.

Rule 635-098-0100 – Applications to the Fund

- (1) The Department in coordination with the Advisory Committee shall establish a process for awarding funding from the Conservation and Recreation Fund.
 - (a) Applications must be submitted on the most current format prescribed by the Department.
 - (b) A separate application is required for each submitted project.

- (c) Applications will be considered final as submitted. Clarification of information may be sought by the Department, Advisory Committee, or technical experts from the applicant during the evaluation process, but additional, new information not requested will not be accepted after the application deadline.
- (d) Each project application at a minimum must provide:
 - (A) Well-defined and measurable goals;
 - (B) Measures to achieve project goals;
 - (C) The location and duration of the project, including the beginning and the ending date;
 - (D) Estimated project costs that consider cost effectiveness of the project;
 - (E) Consideration of outdoor equity, as it pertains to how well the project engages Oregonians who have not participated in the past because of language barriers, financial barriers, or other access barriers;
 - (F) A monitoring plan to measure performance of the implemented project; and
 - (G) Description of stakeholders and community partnerships involved in the project.
- (e) The Department may reject incomplete project applications.
- (2) ~~The department and any other interested parties may recommend projects to the advisory committee that follow permissible purposes outlined in [HB 2829 Section 1(2)(a-e)].~~
- (3) The Advisory Committee, the Department, and technical experts shall review all submitted projects and the Department shall recommend expenditures to the Commission.
 - (a) The Advisory Committee, the Department, and technical experts will be responsible for determining whether the projects propose activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon.
 - (b) The Advisory Committee shall advise the Department and Commission to make diverse expenditures from the Fund. In evaluation of submitted projects the Advisory Committee, the Department, and the technical experts may consider diversity of:
 - (A) Projects geographically;
 - (B) Projects taxonomically;
 - (C) Representation of program priorities as outlined in 635-098-0030;
 - (D) Partners participating in and impacted by projects; and
 - (E) Engagement of Oregonians in the solution to a key conservation issue as identified in the Oregon Conservation Strategy or in recreational opportunities.
- (4) ~~Interested parties must submit proposed projects to the advisory committee not less than 60 days prior to a scheduled meeting.~~
- (5) All proposed funding projects that are or are not recommended by the Advisory Committee shall be presented in summary to the Commission. The Advisory Committee shall not recommend a project for funding if it finds the project:
 - (a) Is inconsistent with the intent of ORS 496.252;
 - (b) Is contrary to sound biological principles;
 - (c) Proposes inappropriate measures or methods to accomplish the project goals and objectives; or
 - (d) Violates Department goals, policies, administrative rules, or species or other management plans approved or adopted by the Commission.
- (6) A project for which recommendation for funding is not supported by the Advisory Committee may be reconsidered by the committee at a later meeting a subsequent Regular Grant solicitation if the proponent has resolved any objections or deficiencies with a revised proposal. The reason(s) for the Advisory Committee's vote to not recommend a project shall be explained or reviewed for the

~~proponent at the meeting, or relayed to the proponent in writing after the meeting and be conveyed to the Commission upon making recommendations.~~

- (7) The Department shall fund projects approved by the Commission with funds from the Conservation and Recreation Fund.

Rule 635-098-0110 – Award Agreements

- (1) The project applicant shall enter into an agreement with the Department before initiating the project.
- (2) The Department shall distribute no funds under an agreement until an agreement is fully executed.
- (3) The Department may award advanced payments at its discretion as specified in a fully executed agreement. The Department shall not make advanced payments unless the agreement explicitly provides for it.
- (4) The Department may release advance funds on presentation of a detailed estimate of expenses for a time period specified in the agreement. The Department may release no additional funds until the applicant submits all receipts for expenditures of the advance fund release.
- (5) The Department may release funds as reimbursements on presentation of a completed Fund Release Request form accompanied by proof of the completion of specific work elements of the project as identified in the agreement. Proof of completion may include paid receipts of invoices for materials or contracted labor, or inspection reports.
- (6) The Department may retain a minimum of 10 percent of project funds until it receives the required close of project report and evaluates the project for completion and compliance with the agreement.
- (7) Following project completion, equipment purchased with project funds shall reside with the project grantee or another approved entity. These entities will make the equipment available to others at no cost other than nominal operation and maintenance costs. Equipment with a value above five-thousand dollars shall adhere to any additional post-project requirements stipulated by the Department.
- (8) On notice to the project grantee in writing, the Department in consultation with the Advisory Committee, 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 Advisory Committee.
- (9) All agreements between the project grantee and the Department shall have a project expiration date.