

TO: Ruben Ochoa, Oregon Water Resources Department

FROM: Leslie Bach, The Nature Conservancy

RE: Comments on May 30, 2008 Final Proposed Rules
Division 600, Water Conservation, Reuse and Storage Grant Program

Comments in regular text. Recommended wording changes in **bold text**.

OAR 690-600-0020, Application requirements:

(4)(h): Change wording to: “**Information requested by the Department that is necessary to evaluate the application for funding based on evaluation criteria developed by the Rules Advisory Committee.**”

(5)(d): To ensure that the entity proposing the project is committed to the project and is bringing their own resources to the table, it is important for the project proponent to provide some cash match. The amount of match coming from in-kind should be limited. I recommend adding the wording: “**Value of in-kind counted as match should be limited to 75 % of the total required match.**”

OAR 690-600-0030, Application process:

Add new number with wording: “**Evaluation of projects will be based on criteria developed by the Rules Advisory Committee.**”

(2) I don't think the review team should include people from private engineering firms or local governments due to potential conflicts of interest. I believe that the review team could be made up of agency people, alone. I think that there are plenty of qualified technical people in the state agencies, if you look at OWRD, DEQ, DOGAMI, ODFW, etc., and you could also tap into federal agencies.

add wording: “The Department may use an application review team consisting of persons with water supply and planning knowledge and interdisciplinary expertise **from state and federal agencies**, appointed by the Director, to review applications and make funding recommendations to the Department.”

Overall Comment:

Given that this is a new program, and that the rules were developed under a very short timeline, I would like to see the rules include a sunset date, or a date in which the rules will be re-evaluated. I suggest a 2-3 year timeline for the current rules.

Evaluation Criteria:

I generally agree with the points summarized in Evaluation Criteria memo.

Specific language to include in the criteria for evaluation of above-ground storage projects:

The proposed project provides a comprehensive evaluation of water supply and conservation needs for the planning area.

The proposed project addresses the water needs of a community (rather than an individual landowner).

The proposed project provides multiple purposes including water supply, instream flows.

Specific language to include in the criteria for below-ground storage:

ASR projects include an evaluation of effects of the project on “native” groundwater quality and quantity, and potential impacts on groundwater-dependent ecosystems.

Specific language to include in water conservation projects:

The proposed project will identify opportunities for establishing legally-protected instream water rights from a portion of the saved water.