



Staff Report

TO: Water Resources Commission

FROM: Ivan Gall, Director

DATE: June 12, 2025

SUBJECT: Agenda Item B
Water Resources Commission

PROPOSED RULE OAR 690-601-0600

I. Introduction

During this agenda item the Commission will be asked to consider adoption of the proposed rule OAR 690-601-0600 which identifies the public notice provision on OWRD-funded community engagement within water projects funding programs under ORS 541.561 through 541.581 and ORS 541.651 through 541.696.

II. Integrated Water Resources Strategy Recommended Action

- 8.C - Promote community education and training opportunities

III. Background

Oregon Revised Statute 541.551 authorizes the Department to provide financial support to enable local organizations and governments to develop and implement community engagement plans for water projects. ORS 541.551, and the Department's general rulemaking authority permits the Department to establish a public notice provision. OAR 690-601-0600 establishes the public notice provisions for OWRD-funded community engagement within the water projects funding programs under ORS 541.561 through 541.581 and ORS 541.651 through 541.696. The Water Resources Commission (WRC) was shown and approved the language of OAR 690-601-0600 during the March 2025 Commission meeting. This specific rule number was not included in the original Division 601 Notice of Proposed Rulemaking from December 2024, so it underwent a separate notice process after the March 2025 Commission meeting.

IV. Rulemaking Process

In fall 2024, the Department convened and hosted two virtual Rules Advisory Committee (RAC) meetings (September 16 and October 30) for the Division 601 rulemaking. The RAC consisted of ten members representing a broad range of interests (Attachment 2). All RAC

meetings were open to the public, recorded, and published on the Department's website along with meeting materials, summaries, and comments.

In March 2025, the WRC adopted OAR Division 601-0100 through 0500, and 0700 which subsequently went into effect April 2025. In response to public comment received throughout the Division 601 rulemaking process, the Department drafted a new proposed rule OAR 690-601-0600 titled: Rulemaking on Public Notice Related to Department Funded Community Engagements. This proposed OAR 690-601-0600 language was first shared with the RAC February 2025 and with the WRC during the March meeting. The Department published the Notice of Proposed Rulemaking for OAR 690-601-0600 on April 1, 2025, in the Oregon Bulletin (Attachment 2). The public comment period was April 1 through April 15, 2025. A virtual public hearing was hosted on April 15, 2025, and was recorded and published.

V. Tribal Consultation

Consistent with Government-to-Government coordination and consultation responsibilities, on February 3, 2024, and July 16, 2024, the Department mailed and emailed letters to Oregon's nine federally recognized Tribes, inviting coordination and/or consultation on the rules adopted in March and included an invitation to join the Division 601 RAC. To date, none of the Tribes have requested formal consultation, or expressed interest in serving on the RAC.

The Department received no oral or written comments on OAR 690-601-0600.

VI. Public Comment

The Department received no oral or written comments on OAR 690-601-0600.

VII. Conclusion

The proposed rule was drafted within the Department's authority and applies to OWRD-funded community engagement within the water projects funding programs under ORS 541.561 through 541.581 and ORS 541.651 through 541.696 and is now ready for final adoption.

VIII. Alternatives

The Commission may consider the following alternatives:

1. Adopt the final proposed rule (Attachment 3)
2. Adopt the final proposed rule as modified by the Commission.
3. Not adopt the final proposed rule and request the Department to further evaluate the issues.

IX. Recommendation

The Director recommends Alternative 1, that the Commission adopt the final proposed rule (Attachment 3).

Attachments:

1. Division 601 Rules Advisory Committee Roster
2. OAR 690-601-0600 Notice of Proposed Rulemaking
3. Draft Rule OAR 690-601-0600

Margo Mashkovskaya
503-507-7313

Adair Muth
971-301-0718

Charlotte R. Whitefield
971-375-3481

Division 601 Rules Advisory Committee Roster

Name	Affiliation/Organization
Adam Denlinger	Seal Rock Water District
Donna Beverage	Union County Commissioner
Christopher Hall	Water League
Cheyenne Holliday	Verde
Kimberley Priestley	Water Watch of Oregon
Peggy Lynch	League of Women Voters of Oregon
Margaret Magruder	Columbia County Commissioner, Association of Oregon Counties
Michael Martin	League of Oregon Cities
Harmony Burrigh	Professional Water Planner
April Snell	Oregon Water Resources Congress

Agency Observers

Name	State Agency
Alexa Schmidt	Oregon Watershed Enhancement Board
Rebecca Anthony	Oregon Department of Fish and Wildlife
Nicole Alfafara	Oregon Department of Health
Deb Mailander	Oregon Department of Environmental Quality
Chris Marko	Oregon Department of Environmental Quality

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 690
WATER RESOURCES DEPARTMENT

FILED

03/28/2025 8:09 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rulemaking on public notice, division 601 related to Department funded community engagement.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/15/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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503-507-7313
margo.a.mashkovskaya@water.oregon.gov

725 Summer St NE A
salem,OR 97301

Filed By:
Margo Mashkovskaya
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/15/2025

TIME: 11:00 AM

OFFICER: Margo Mashkovskaya

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 89480858459

SPECIAL INSTRUCTIONS:

All hearings will be recorded and available for viewing within 48 business hours of each hearing on the rulemaking website:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/Best%20Practices%20in%20Community%20Engagement.aspx>

For all hearings, auxiliary aids for persons with disabilities will be available upon advance request. Please email WRD_DL_rulecoordinator@water.oregon.gov or call (503) 507-7313 as soon as possible, but at least 48 hours in advance of the hearing for which an aid is needed.

This hearing will be remote, providing an opportunity to give oral testimony. Each person attending the hearing who wishes to comment will be asked to sign-up to comment upon arrival. Oral testimony will be taken in the order reflected on the digital sign-up list. The hearing will close no later than 12:00 P.M. PST.

To attend, please click on the URL link provided above and complete the registration steps. Alternatively, you may email WRD_DL_rulecoordinator@water.oregon.gov. no later than noon (12:00 PM) on 04/14/2025, to receive the registration link and meeting information.

Meeting ID: 894 8085 8459

Meeting Password: 037659

In addition to presenting oral comments at the hearing, anyone may submit written comments until 5 P.M. on 04/15/2025, which is the close of the public comment period. Written comments should be sent to "Margo Mashkovskaya" at Oregon Water Resources Department, 725 Summer ST NE A Salem, OR 97301 or by email to WRD_DL_rule-coordinator@water.oregon.gov.

Comments received after 5 P.M. on 04/15/2025, will not be reviewed or considered by the agency unless the agency decides to extend the period for everyone.

This hearing will be remote, providing an opportunity to give oral testimony. Each person attending the hearing who wishes to comment will be asked to sign-up to comment upon arrival. Oral testimony will be taken in the order reflected on the sign-up list. The hearing will close no later than 12:00 PM. PST.

NEED FOR THE RULE(S)

Oregon Revised Statute 541.551 (House Bill 3293, 2021) authorizes the Oregon Water Resources Department (Department) to provide financial support to help local organizations and governments develop and implement community engagement plans for water projects. The regulatory administration of this program is located in Oregon Administrative Rules Chapter 690, Division 601. In response to public comments, the Department is proposing this new rule related to the public notice administration of Division 601.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

This is an abbreviated list of the principal documents relied upon for the proposed rulemaking. For a complete list of documents a contact the Oregon Water Resources Department.

The Division 601 rulemaking website, located at the Oregon Water Resources Department website
<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/Best%20Practices%20in%20Community%20Engagement.aspx>

ORS 541.551, available at the Oregon Legislature's website, (https://www.oregonlegislature.gov/bills_laws/ors/ors541.html).

Draft 10 Best Practices in Community Engagement Around Water Projects (2024)
(<https://www.oregon.gov/owrd/Documents/HB3293%20Best%20Practices.pdf>).

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated impact on racial equity resulting from the proposed rules.

Tribal Engagement:

In alignment with Government-to-Government coordination and consultation responsibilities, on July 16, 2024, the Department mailed and emailed formal letters to Oregon's nine federally recognized Tribes. These letters invited coordination and/or consultation on this and other proposed rulemakings, including an invitation to join the Rules Advisory Committee.

Additionally, the Department provided rulemaking updates during quarterly Cultural Resources Cluster and Natural Resources Work Group meetings in January, February, July, and September of 2024, and January of 2025. During these meetings, the Department reiterated its offer to consult and/or coordinate with interested Tribes.

To date, none of the Tribes have requested formal consultation or expressed interest in serving on the Rules Advisory Committee. There is no anticipated impact to Tribes resulting from the proposed rules.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal or economic impact resulting from the proposed rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Oregon Department of Water Resources is not anticipated to experience a significant impact beyond general administration of public notice as part of the OAR 690-600 or OAR 690-093 (Water Conservation, Reuse, and Storage Grant Program and Water Supply Development Account). Local governments and members of the public are not expected to experience economic affects as a result of this proposed rulemaking.

(2) There is no anticipated impact on small businesses resulting from the proposed rules.

The Department recognizes that rulemaking may have varying impacts on different governments, organizations, and members of the public. Interested parties are encouraged to provide feedback during the public comment period.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Department hosted a virtual public open house, roundtables, and presented to the Environmental Justice Council on drafting the Best Practices in Community Engagement guidance document. Several small businesses attended and provided input on the draft guidance and best practices. Guidance input helped develop the draft rule. During the open house, the Department openly solicited RAC members and added all who requested to participate. Small businesses were not specifically sought for RAC participation as they are ineligible to apply for authorized grant funds and there is no anticipated impact to small businesses from the proposed rules. Small businesses will have the opportunity to comment during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

ADOPT: 690-601-0600

RULE SUMMARY: This rule identifies the public notice provisions for Division 601.

CHANGES TO RULE:

690-601-0600

Public Notice

The Department shall denote applications with community engagement plan components for a water project during public notice processes for ORS 541.561-541.581 or ORS 541.651 - 541.696.

Statutory/Other Authority: ORS 536.027, ORS 541.551, ORS 541.651 - ORS 541.696, ORS 541.561-541.581

Statutes/Other Implemented: ORS 541.551, ORS 541.651 - ORS 541.696, ORS 541.561-541.581

690-601-0600 Draft Proposed Rule

[Chapter 690](#)

[Division 601](#)

690-601-0600

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