

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Watershed Enhancement Board

695

Agency and Division

Administrative Rules Chapter Number

Melissa Leoni

503-986-0179

Rules Coordinator

Telephone

775 Summer Street NE #360, Salem, Oregon 97301

Address

RULE CAPTION

Revisions to land acquisition grant rules related to due diligence requirements and funds recoverable limits.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date (m/d/yyyy)	Time	Location	Hearings Officer
1 8/23/2010	1:00 PM	State Lands Building, Room 201, 775 Summer Street NE, Salem	Melissa Leoni
2			
3			
4			

Auxiliary aids for persons with disabilities are available upon advance request

RULEMAKING ACTION

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

695-045-0120, 695-045-0140, 694-045-0150

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority: ORS

ORS 541.396

Other Authority:

Statutes Implemented: ORS

ORS 541.375(9) and ORS 541.376

Continuation of ... NOTICE OF PROPOSED RULEMAKING HEARING*

RULE SUMMARY

OWEB is proposing specific rule amendments related to the administration of the land acquisition grant program. OWEB is proposing updates to the rule describing the due diligence application requirements, including the donation disclosure [695-045-0120(2)(b) and (c)], fair market value appraisal [695-045-0120(2)(d)], preliminary title report [695-045-0120(2)(e)], and environmental site assessment [695-045-0120(2)(f)] requirements. OWEB is also proposing revisions to the land acquisition rules describing the amount of funds recoverable by OWEB for property misuse or unapproved conveyance [695-045-0140(4)(b) and 695-045-0150(4)]. Public comment will be accepted on the proposed rules from August 2, 2010 through 5:00 PM on Monday, August 23, 2010. Copies of the proposed amendments will be available by August 2, 2010, on OWEB's web site (www.oregon.gov/OWEB/admin_rules_statutes.shtml).

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

ORS 183.335(2)(b)(G) 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.

08/23/2010	5:00 pm	Melissa Leoni	melissa.leoni@oweb.state.or.us	07/14/2010
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2003

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Watershed Enhancement Board

695

Agency and Division

Administrative Rules Chapter Number

Revisions to land acquisition grant rules related to due diligence requirements and funds recoverable limits.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Oregon Watershed Enhancement Board Land Acquisition Grant Rules

Statutory Authority: ORS

ORS 541.396

Other Authority:

Stats. Implemented: ORS

ORS 541.375(9) and ORS 541.376

Need for the Rule(s):

OWEB's administrative rules for land acquisition grants were adopted in 2004, following an extensive rules development and public review process. Since that time, OWEB staff and its stakeholders have identified a limited number of technical requirements that need to be updated or revised in order to improve the administration of the program.

OWEB is also proposing amendments to the rules that describe the amount of funds recoverable by OWEB for property misuse or unapproved conveyance. The existing rules do not cap the amount of funds that OWEB could recover. There is concern that the repayment amount could far exceed the future value of the property and put the grantee and its other conservation assets at risk. OWEB is proposing rules changes to reduce the financial uncertainty for the long term owners of those properties, while retaining the intended disincentives and the ability for full repayment of public funds.

Documents Relied Upon, and where they are available:

The June 2010 Board staff report and the June 21, 2010, and July 14, 2010, Rules Advisory Committee meeting minutes are available from OWEB's rules coordinator, Melissa Leoni at melissa.leoni@state.or.us or 503-986-0179.

Continued on next page

Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT

Fiscal and Economic Impact:

The fiscal impact of the proposed rules is expected to be minimal because the proposed changes are clarifications and updates to existing land acquisition grant program rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The proposed rule changes are not expected to have a fiscal impact on state agencies, local government, or the public because they are proposed clarifications and improvements to OWEB's existing land acquisition grant application and grant administration procedures.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The proposed rule changes will directly impact non-profit land conservation organizations. Few small businesses are likely to be affected by these changes. Small businesses across Oregon who conduct fair market value appraisals or environmental site assessments (ESA) may see some additional economic activity if OWEB requires older appraisals and ESA reports to be updated as a result of the proposed rule amendments.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

Representatives of the local, regional, and national land trusts who are the primary recipients of OWEB land acquisition grants were involved in the Rules Advisory Committee. These groups contract with small businesses to obtain the due diligence materials required by OWEB to evaluate proposed land acquisition projects for funding. These representatives understand how the rule language changes may impact small business.

Administrative Rule Advisory Committee consulted?:

Yes No

If not, why?:

Empty text box for providing reasons if the committee was not consulted.

08/23/2010 5:00 pm	Melissa Leoni	melissa.leoni@oweb.state.or.us	07/14/2010
Last Day (m/d/yyyy) and Time for Public Comment	Printed Name	Email Address	Date Filed

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