



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 97-2020
CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Accelerating the pace of the Oregon Conservation & Recreation Advisory Committee

EFFECTIVE DATE: 07/29/2020 THROUGH 01/24/2021

AGENCY APPROVED DATE: 07/28/2020

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NEED FOR THE RULE(S):

Over 8000 Oregonians have contributed funds to the Oregon Conservation & Recreation Fund for expenditures that will be recommended by the Oregon Conservation & Recreation Advisory Committee. The Committee and the Fund sunset June 30, 2021, leaving less than one year to make recommendations.

Removing the requirement that interested parties must submit proposed projects to the advisory committee not less than 60-days prior to a scheduled meeting will accelerate the pace of project approvals, and also shorten the time until Oregonians reap the conservation, recreation and economic benefits of the projects. Failure to expend donated funds in a timely manner will result in serious prejudice to the many donors of the fund who expect their donations will support conservation and recreation projects, and also will prejudice all Oregonians who will benefit from enhanced habitat conservation and recreational opportunities, which due to the COVID-19 crisis are increasingly valuable because of the mental wellbeing and enjoyment that they provide.

Further, the COVID-19 crisis has resulted in a significant negative impact on the state's economy. Expediting expenditures of funds in the Oregon Conservation & Recreation Fund will support jobs in the conservation and recreation fields, and failure to make these additional funds accessible would result in serious prejudice to the public interest because the benefits to Oregon's economy would be delayed.

JUSTIFICATION OF TEMPORARY FILING:

Following the permanent rule making process, rather than taking this temporary rule making action, would result in serious prejudice to Oregonians because the conservation, recreation and economic benefits that will result from expenditure of funds in the Oregon Conservation & Recreation Fund, which are more important during the COVID-19 crisis than ever, would be delayed.

This rule amendment would avoid this prejudice by allowing faster consideration of project proposals by the Conservation & Recreation Advisory Committee in the short term, while requiring longer deliberation when the state has returned to typical conditions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rule making are available from the Oregon Department of Fish and Wildlife, Wildlife Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-098-0060

RULE SUMMARY: The current rule requires that interested parties must submit proposed projects to the advisory committee not less than 60 days prior to a scheduled meeting. The Temporary rule suspends the 60 day requirement.

CHANGES TO 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 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. ¶
- (2) The advisory committee shall establish a process for requesting proposals for Conservation and Recreation Fund projects from the department and other interested parties. ¶
- (3) 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)]. ¶
- (4) The advisory committee shall review all submitted projects and shall recommend expenditures to the commission. The advisory committee will be responsible for determining whether the projects propose activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon. ¶
- ~~(5) Interested parties must submit proposed projects to the advisory committee not less than 60 days prior to a scheduled meeting. ¶~~
- ~~(6)~~ All proposed funding projects that are or are not recommended by the advisory committee shall be presented in summary to the commission. ¶
- ~~(76)~~ A project for which recommendation for funding is not supported by the advisory committee may be

reconsidered by the committee at a later meeting if the proponent has resolved the 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.

Statutory/Other Authority: ORS 496.138, 496.146, HB 2829 (2019), ~~ORS 496.012, 496.118~~

Statutes/Other Implemented: ORS 496.138, 496.146, HB 2829 (2019), ~~ORS 496.012~~