

Enrolled
House Bill 3293

Sponsored by Representative REARDON; Representatives LEIF, OWENS, SMITH DB

CHAPTER

AN ACT

Relating to water project community engagement.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) **As used in this section:**

(a) **“Community engagement plan” means a plan to meaningfully engage and provide suitable access to decision-making processes for disproportionately impacted communities, underrepresented communities, tribal communities and all persons regardless of race, color, national origin or income in planning for water projects using identified best practices.**

(b) **“Disproportionately impacted communities” may include:**

(A) **Rural communities;**

(B) **Coastal communities;**

(C) **Areas with above-average concentrations of historically disadvantaged households or residents with low levels of educational attainment, areas with high unemployment, high linguistic isolation, low levels of homeownership or high rent burden or sensitive populations;**
or

(D) **Other communities that face barriers to meaningful participation in public processes.**

(c) **“Local government” has the meaning given that term in ORS 174.116.**

(d) **“Local organization” means an organization that:**

(A) **Is a special government body as defined in ORS 174.117, a federally recognized Indian tribe, a nonprofit organization or other organization identified by a provider of water project support by rule as eligible to receive water project support; and**

(B) **Operates in an area affected by a water project.**

(e) **“Water project” includes watershed enhancement, in-stream flow protection or enhancement, water resource conservation or development, or water supply and wastewater treatment and disposal projects.**

(f) **“Water project support” means planning, technical assistance or financial support related to a water project that is provided to an eligible recipient by one of the following providers:**

(A) **The Department of Environmental Quality;**

(B) **The Oregon Business Development Department;**

(C) **The State Department of Fish and Wildlife;**

(D) **The Oregon Health Authority;**

(E) **The Oregon Watershed Enhancement Board; or**

(F) **The Water Resources Department.**

(2) **A provider of water project support:**

(a) May make water project support available for the purpose of enabling local organizations and local governments to develop and implement community engagement plans related to a water project, including funding to increase participation by representatives of disproportionately impacted communities in planning processes and water project decision-making.

(b) Shall require that community engagement plans supported by the provider utilize goals and approaches for increased participation of disproportionately impacted communities in decisions related to the identification, scoping, design and implementation of water projects.

(c) Shall require that community engagement plans supported by the provider utilize best practices recognized by the provider under subsection (4) of this section.

(3) A provider of water project support may condition support for community engagement planning on the local organization or local government:

(a) Identifying disproportionately impacted communities and local demographics through the use of established systems; and

(b) Using best practices recognized by the provider under subsection (4) of this section to develop a plan for water project decision-making that:

(A) Invites and supports broad community participation that includes disproportionately impacted communities;

(B) Invites and supports tribal participation in the areas of water projects or proposed water projects, regardless of whether tribal members are represented in the community demographics;

(C) Establishes specific goals for equitable participation and water project decision-making and identifies specific realistic and achievable approaches for use in meeting those goals; and

(D) Provides for periodic reporting on the attempted or successful achievement of best practices in the decision-making process.

(4) Each provider of water project support shall, in coordination with the other providers, adopt rules recognizing best practices for use by the provider, local organizations and local governments to ensure that community engagement planning activities are carried out in the manner described in this section. Providers of water project support shall periodically coordinate with each other to ensure that best practices recognized by the providers are updated as necessary and are administered and used by the providers in a consistent manner. The Water Resources Department shall oversee the coordination process. The department shall ensure that the coordination process occurs at least once every five years.

Passed by House April 16, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 18, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State